

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** Chair Ken Peterson, on February 14, 2011 at 9:00 A.M., in Room 137  
Capitol

#### **ROLL CALL**

**Members Present:**

Rep. Ken Peterson, Chairman (R)  
Rep. Krayton Kerns, Vice Chairman (R)  
Rep. Liz Bangerter (R)  
Rep. Bill Harris (R)  
Rep. David Howard (R)  
Rep. Cleve J. Loney (R)  
Rep. Michael (Mike) More (R)  
Rep. Carolyn Pease-Lopez (D)  
Rep. Joe Read (R)  
Rep. Keith Regier (R)  
Rep. Dan Skattum (R)  
Rep. Bob Wagner (R)  
Rep. Wendy Warburton (R)

**Members Excused:** Rep. Diane Sands, Vice Chairman (D)  
Rep. Kris Hansen (R)

**Members Absent:** Rep. Robyn Driscoll (D)  
Rep. Ellie Boldman Hill (D)  
Rep. Margaret (Margie) MacDonald (D)  
Rep. Mike Menahan (D)  
Rep. Jesse O'Hara (R)

**Staff Present:** Karen Armstrong, Committee Secretary  
David Niss, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing &amp; Date Posted: HB 438, 2/9/2011; HB 490, 2/11/2011

Executive Action: None

00:01:50 Rep. Driscoll and Rep. Menahan arrived.  
00:02:13 Rep. O'Hara arrived.  
00:03:33 Rep. MacDonald arrived.  
00:04:42 Rep. Hill arrived.

**HEARING ON HB 438****Opening Statement by Sponsor:**

00:05:23 Rep. Tom McGillvray (R), HD 50, opened the hearing on HB 438, Revise marriage dissolution laws by requiring counseling in certain instances.

[EXHIBIT\(juh36a01\)](#)[EXHIBIT\(juh36a02\)](#)[EXHIBIT\(juh36a03\)](#)**Proponents' Testimony:**

00:17:12 Rep. Jeff Laszloffy, Montana Family Foundation  
00:18:08 Rep. Howard exited.  
00:20:31 Moe Wosepka, Executive Director, Montana Catholic Conference  
00:24:22 Sharon Nason, Licensed Clinical Professional Counselor  
00:26:39 Harris Himes, Montana Eagle Forum  
00:29:01 Annie Bukacek, Private Practice Physician  
00:29:43 Margaret McGillvray, lay counselor  
00:31:07 Dennis Lenz, lay counselor  
00:33:09 Holly Moncada, self  
00:34:28 Deanna Lenz, lay counselor  
00:35:22 Rep. More exited.  
00:38:04 Eric Hutch, Pastor at Harvest Church, Billings  
00:41:01 Margaret Mullaly, self  
00:41:59 Steve Yeakel, self  
00:43:02 Charlene Pulliam, self  
00:44:06 Dallas Erickson, Montana Citizens for Decency through Law  
00:44:35 Rep. Howard returned.  
00:44:43 Rep. More returned.  
00:44:50 Rep. Sands arrived.

**Opponents' Testimony:**

00:45:47 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence  
[EXHIBIT\(juh36a04\)](#)  
01:00:23 Rep. Howard exited.  
01:00:40 Ed Higgins, Montana Legal Services  
01:04:05 Alex Corcoran, NARAL Pro-Choice Montana  
01:04:29 Julianna Crowley, self  
01:05:15 Olivia Riutta, Outreach Director, Women Vote  
01:06:42 Patricia Lawson, self  
01:08:39 Janet Tatz, self

01:09:49 Niki Zupanic, American Civil Liberties Union (ACLU)  
01:10:11 Rep. Hansen arrived.  
01:10:23 Jamee Greer, Montana Human Rights Network  
01:11:02 Lindsey Love, Planned Parenthood of Montana  
01:11:29 Kate Everhart, self

**Informational Testimony:**

01:12:13 Tony Rausch, self

**Questions from Committee Members and Responses:**

01:13:27 Rep. Wagner  
01:14:34 Ms Young  
01:14:38 Rep. Wagner  
01:16:23 Ms Young  
01:16:35 Rep. Wagner  
01:17:52 Ms Young  
01:18:02 Rep. Skattum  
01:18:42 Mr. Higgins  
01:19:20 Rep. Skattum  
01:19:58 Rep. MacDonald exited.  
01:20:22 Rep. Loney  
01:20:37 Rep. More  
01:20:56 Rep. McGillvray  
01:21:04 Rep. Hill  
01:23:14 Rep. MacDonald returned.  
01:23:42 Mr. Himes  
01:24:16 Rep. O'Hara exited.  
01:25:42 Rep. Hill  
01:25:51 Rep. Driscoll  
01:26:24 Rep. Sands  
01:27:03 Rep. McGillvray  
01:27:09 Rep. Sands  
01:27:31 Rep. McGillvray  
01:27:43 Rep. O'Hara returned.  
01:27:57 Rep. Sands  
01:28:17 Rep. McGillvary  
01:28:34 Rep. Loney  
01:29:09 Ms Young  
01:30:15 Rep. Loney  
01:30:26 Ms Young

**Closing by Sponsor:**

01:31:01 Rep. McGillvary

**HEARING ON HB 490****Opening Statement by Sponsor:**

01:34:22 Rep. Wendy Warburton (R), HD 34, opened the hearing on HB 490,  
Constitutional amendment to define person.

**Proponents' Testimony:**

01:40:55 Annie Bukacek, Montana Pro-Life Coalition

**EXHIBIT(juh36a05)**

01:42:44 Dan McGee, self

01:46:12 Rep. Howard returned.

01:54:40 Tony Rausch, self

**EXHIBIT(juh36a06)**

01:59:37 Gualberto Garcia-Jones, testifying by phone (303) 456-2700

02:06:43 Johanna Dasteel, American Life League

02:09:05 Rebecca Kiessling, Pro-Life Speaker for Personhood USA

02:14:06 William D. Wise, self

02:14:44 Rep. Wagner returned.

02:18:16 Patrick Johnston, Director, Association of Pro-Life Physicians

**EXHIBIT(juh36a07)**

02:21:29 Rep. Driscoll returned.

02:21:41 Terry Forke, Pastor, Lutheran Church Missouri Synod

02:22:02 Chairman Peterson exited.

02:24:38 Victoria Wojciechowski, self

**EXHIBIT(juh36a08)**

02:25:28 Laurie Wegner, self

**EXHIBIT(juh36a09)**

02:26:07 Lee Childs, self

02:26:24 Chairman Peterson returned.

02:26:48 Lee Ann Bear, self

**EXHIBIT(juh36a10)**

02:27:42 Bill Meyers, self

02:27:46 Mary Ann Evans, self

02:28:29 Alex Dziekonski, self

02:28:52 Scott Wagner, self

02:29:12 Margaret Mullaly, self

**EXHIBIT(juh36a11)**

02:29:51 Kathleen Gummere, self

02:30:23 Steven Wagner, Covenant Community Church, Whitehall

02:31:36 Harris Himes, Montana Eagle Forum

02:32:07 Raymee Haubrich, Montana Pro-Life Coalition

02:32:27 Stuart Veith, White Sulphur Springs, self

02:33:35 Marsha Swanson, self

02:34:31 Dallas Erickson, Montana Citizens for Decency through Law

**EXHIBIT(juh36a12)**

02:34:48 Sheila Veith, self

02:34:56 Sen. Virdell Jackson

02:35:04 Julia Warburton, self

02:35:14 Amy Skryja, self

02:36:10 Susan Sweatman, self

02:36:25 Ronald Price, self

**Opponents' Testimony:**

02:36:55 Niki Zupanic, American Civil Liberties Union Montana (ACLU)

02:46:15 Janet Tatz, self

02:46:43 Rep. Harris exited.

02:47:41 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence  
02:48:05 Rep. Menahan returned.  
02:50:23 Rep. Harris returned.  
02:50:38 Julianna Crowley, Executive Director, NARAL Montana  
02:52:49 Lindsey Love, Planned Parenthood of Montana  
02:57:49 Eddie Zimpel, self  
03:00:31 Angel Nordquist, self  
03:01:16 Rita Blouke, Vice President of Helena Area League of Women Voters, Montana  
League of Women Voters

**EXHIBIT(juh36a13)**

03:03:44 Don Judge, Montana Nurses' Association

**EXHIBIT(juh36a14)**

03:05:16 Kathryn Butler Maronick, self  
03:06:01 Beth Brennenman, Disability Rights of Montana  
03:09:50 Olivia Riutta, self  
03:10:30 Alex Corcoran, self, NARAL Montana  
03:11:30 Tannis Hargorve, self  
03:12:00 Jamee Greer, Montana Human Rights Network  
03:12:47 Maghan Strachan, self  
03:13:23 Kate Everhart, self  
03:13:28 Jill Baker, self  
03:13:40 Lacey Wilkins Tucker, self  
03:13:56 Anita Kuennen, RN, Blue Mountain Clinic  
03:14:35 Linsey Bourke, Blue Mountain Clinic

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

03:16:22 Dr. Bukacek  
03:17:17 Rep. Loney  
03:17:57 Ms Love  
03:18:44 Rep. Loney  
03:18:48 Ms Love  
03:19:20 Rep. Hill  
03:19:46 Dr. Johnston  
03:20:18 Rep. Wagner  
03:20:29 Dr. Bukacek  
03:20:58 Rep. Wagner  
03:21:04 Dr. Bukacek

**Closing by Sponsor:**

03:22:02 Rep. Warburton

**ADJOURNMENT**

03:22:10      Adjournment:

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Karen Armstrong, Secretary

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Additional Exhibits:

[EXHIBIT\(juh36a15\)](#)

[EXHIBIT\(juh36a16\)](#)

[EXHIBIT\(juh36a17\)](#)

[EXHIBIT\(juh36a18\)](#)

Additional Documents:

**EXHIBIT**([juh36aad.pdf](#))